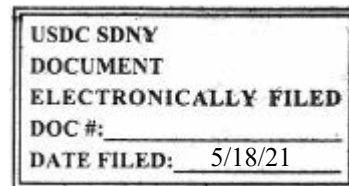


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Osama Ahmed Abdellatif El Mokadem,

Defendant.

19-cr-646 (AJN)

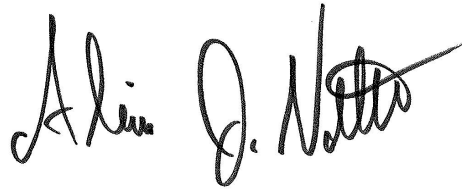
ALISON J. NATHAN, District Judge:

On May 12, 2021, the Court granted the request to adjourn the surrender date to September 1, 2021 after receiving a letter from defense counsel by email. Dkt. No. 80. In doing so, the Court directed defense counsel to either request and justify sealing of the May 11, 2021 letter or to file the letter on the public docket by May 14, 2021. On May 18, 2021, defense counsel submitted the attached letter by email.

The request to seal the May 11, 2021 is GRANTED. The Court's conclusion is guided by the three-part test articulated by the Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under this test, the Court must: (i) determine whether the documents in question are "judicial documents;" (ii) assess the weight of the common law presumption of access to the materials; and (iii) balance competing considerations against the presumption of access. *Id.* at 119–20. Assuming that the May 11, 2021 letter is a judicial document and that the presumption of access attaches to it, the Court nonetheless concludes that sealing is warranted because the letter contains sensitive information regarding the Defendant's immigration status and legal advice relevant to the Defendant's immigration status. The Court will file the May 11, 2021 letter under seal.

SO ORDERED.

Dated: May 18, 2021
New York, New York

A handwritten signature in black ink, reading "Alison J. Nathan". The signature is written in a cursive, flowing style. The first name "Alison" is written with a large, looped 'A'. The middle initial "J." is written with a small 'J' followed by a period. The last name "Nathan" is written with a large 'N' and a long, sweeping horizontal stroke at the end.

ALISON J. NATHAN
United States District Judge

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JAMES A. SCHIFF

MEMBER OF THE NEW YORK
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May 18, 2021

**REPLY TO THE COURT'S 05/12/2021 & 05/18/2021 ORDERS
VIA EMAIL**

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *United States v. Osama Ahmed Abdellatif El Mokadem,*
a/k/a "Armin De Goorte," 19 Cr. 646 (AJN)**

Dear Judge Nathan:

Defense Counsel, on the above-referenced matter, writes the Court in response to its May 12, 2021 and May 18, 2021 orders directing Counsel to either request and justify sealing of Counsel's May 11, 2021 letter, or file the letter on the public docket. Dkt. Nos. 80 & 85. Defense counsel embarrassingly failed to comply with the Court's May 12, 2021 order. Counsel sincerely apologizes to the Court for this disrespectful conduct. While my failure to comply with the order was inadvertent, it was neglectful and inexcusable. I am sorry.

In response to the Court's May 18 order, we respectfully request sealing of Counsel's May 11, 2021 letter. This letter, where Counsel requested to adjourn Defendant's surrender date, provided reasons for the request that included sensitive, detailed information concerning Defendant's immigration status, the processes Defendant and his spouse are undertaking to change Defendant's immigration status, and advice by Defendant's immigration attorney pertaining these processes.

As such, we respectfully ask that the Court refrain from docketing Counsel's May 11, 2021 letter, and request sealing of said letter for the reasons stated above.

Respectfully,

/s/ James Schiff
Attorney for Defendant
(212) 362-5600

cc: Andrew Rohrbach, AUSA (via email)